



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/111,604  
Applicants : Mohamed K. Diab et al.  
Filed : July 7, 1998  
TC/A.U. : 3736  
Examiner : Eric F. Winakur  
  
Title : SIGNAL PROCESSING APPARATUS  
  
Docket No. : MASIMO.007C3  
Customer No. : 20,995

Confirmation No. : 6003

### Certificate Of Mailing

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, on

March 6, 2006

(Date)

John M. Grover, Reg. No. 42,610

Commissioner for Patents  
United States Patent and Trademark Office  
PO Box 1450  
Alexandria, VA 22313-1450

### **PETITION TO EXPUNGE UNDER 37 CFR § 1.59 AND MPEP § 724.05(I)**

Sir:

Applicants have filed herewith an Information Disclosure Statement under MPEP § 724.02 including references subject to a protective order in consolidated Case No. 2:00-CV-6506 MRP (AJWx) from the U.S. District Court of Central District of California. In accordance with § 724.05(I), Applicants make the following requests and assertions.

- (A) The Applicants request that the references cited in the attached PTO/SB/08 equivalent be expunged without disclosure of the details thereof.
- (B) The Applicants assert that to the best of their information and belief, the references are subject to a protective order and the information contained therein has not been otherwise made public.
- (C) The Applicants will retain the references for the period of any patent with regard to which such information is submitted.
- (D) This petition is being submitted by, or on behalf of, Masimo Corporation, who is the party in interest who originally submitted the information.

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**Application No. : 09/111,604**  
**Petition to Expunge**

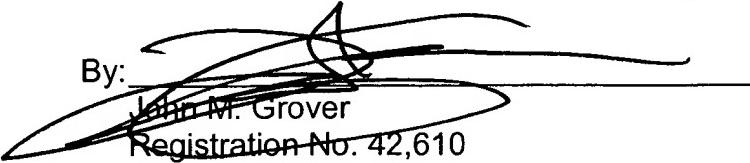
Enclosed herewith is the fee set forth in 37 CFR § 1.17(l) for a petition under 37 CFR § 1.59(b). Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: March 6, 2006

By:

  
John M. Grover  
Registration No. 42,610  
Attorney of Record  
Customer No. 20,995  
(949) 760-0404

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